

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOHN H. REDMOND, IV,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-00257-JMS-DML
)	
UPCHURCH LT.,)	
PALMER C.O.,)	
)	
Defendants.)	

**ENTRY DENYING MOTION TO PROCEED *IN FORMA PAUPERIS*
AND DIRECTING PAYMENT OF FILING FEE**

I.

John H. Redmond, IV, a prisoner confined at the Correctional Industrial Facility, submitted a complaint dealing with events that occurred at that facility. He also submitted a petition and affidavit for leave to proceed without prepayment of the full \$400.00 filing fee pursuant to 28 U.S.C. ' 1915. Redmond's request to proceed *in forma pauperis* [dkt 2] is **denied** because he is not eligible for that status in the circumstances of this case.

II.

To elaborate on the foregoing ruling, it is noted that the plaintiff is a prisoner and has, while a prisoner, filed at least three suits or appeals which have been dismissed as frivolous, malicious, or for failure to state a claim. He was obligated to inform the court of this fact, *see Ammons v. Gerlinger*, 547 F.3d 724, 725 (7th Cir. 2008), and failed to do so, but in any event is rendered ineligible by 28 U.S.C. ' 1915(g) to proceed *in forma pauperis*. It can be added, here, that the narrow exception to the barrier created by ' 1915(g) where a prisoner alleges that he is under

imminent danger of serious physical injury@Bdoes not apply to the claims or allegations in the complaint.

In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. For Redmond's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:

Redmond v. Sheriff Eric Williams, et al., 3:10-83-RLY-WGH (dismissed for failure to state a claim pursuant to 28 U.S.C. ' 1915A);

Redmond v. Rasmusser, et. al, 1:13-cv-1204-JMS-DKL (dismissed for failure to state a claim pursuant to 28 U.S.C. ' 1915A); and

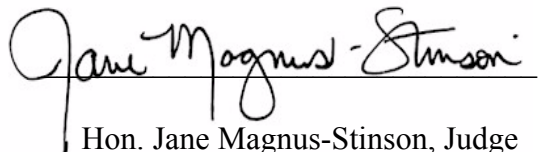
Redmond v. Knight, et al., 1:14-cv-288-TWP-TAB (dismissed for failure to state a claim pursuant to 28 U.S.C. ' 1915A).

III.

Redmond shall have **through March 3, 2016**, in which to pay the \$400.00 filing fee for this civil action. Failure to do so will result in dismissal of this action.

IT IS SO ORDERED.

Date: February 2, 2016


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

JOHN H. REDMOND, IV
147172
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Inmate Mail/Parcels
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